

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2841-01  
Bill No.: HB 1433  
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies  
Type: Original  
Date: February 13, 2002

---

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
General Revenue	(\$48,444 to Unknown)	(\$99,042 to Unknown)	(\$101,187 to Unknown)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(\$48,444 to Unknown)</b>	<b>(\$99,042 to Unknown)</b>	<b>(\$101,187 to Unknown)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

---

## **FISCAL ANALYSIS**

---

### **ASSUMPTION**

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Prosecution Services** assume the costs of the proposed legislation could be absorbed by prosecutors.

Officials from the **Office of State Public Defender** assume existing staff could provide representation for those cases arising where indigent persons were charged with the expanded definition of resisting or interfering with arrest. Last FY, the State public Defender System provided representation in 463 such cases. This legislation increases the penalty to a class D felony from a class C misdemeanor. However, passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Department of Corrections (DOC)** assume this bill enhances the crime of resisting arrest if the actor flees a vehicle stop as defined. Penalty provisions for this crime would be raised to a class D felony. In FY01, there were 15 probation openings for misdemeanor resisting arrest. Those individuals could now be sent to prison. In FY01, 46% (seven) of D felons were sentenced to a prison term and the average sentence was 8.7 months. The remaining 8 would serve 120-day sentences. This calculates to about 8 offenders per year. This cost would be offset by the previous misdemeanor costs.

Enhancing the crime criteria of this bill could increase these numbers, but as the criteria is new, it is impossible to predict the fiscal impact.

The DOC estimates the population will increase incrementally over the fiscal year. For cost estimates, a snapshot of the midyear average population was used to determine fiscal impact.

Assumptions used to determine cost and rounded to the nearest whole number include:

- ▶ \$35.78 (FY01 cost) inmate per capita costs with an inflation rate of 3% per each subsequent year; and
- ▶ \$3.34 (FY01 cost) average daily probation costs with an inflation rate of 3% per each subsequent year.



ASSUMPTION (continued)

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY01 average of \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

The DOC is unable to determine the potential need for additional capital improvements. Estimated construction cost for one new medium to maximum-security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

The following charts detail the DOC's estimated fiscal impact for the scope of the fiscal note (FYs 2003, 2004, and 2005), the estimated ten-year fiscal impact, and the assumptions used in determining these costs:

<b>New Dangerous Felonies/Increase Minimum Time Served Assumptions</b>			
	<u><b>Cost</b></u>	<u><b>Days</b></u>	<u><b>Total</b></u>
Operating Expenses	35.78	365	13,060
Construction (C4 or C5 \$55,000)			0
Probation Cost Offset	(3.34)	365	(1,219)
Operating Inflation (3.0%)			1.030
Emer. Hsng. Inflation (10%)			1.100
Construction Inflation (3.0%)			1.030

ASSUMPTION (continued)

	End FY Population	Average Population	Probation Offset	Operating Expense	Construction Expense	Total Cost w/ Inflation
FY 2002	0	(current year which will have no costs incurred)				
FY 2003	8	4	(4,876)	52,240	0	48,444
FY 2004	8	8	(9,753)	104,480	0	99,042
FY 2005	8	8	(9,753)	104,480	0	101,187
FY 2006	8	8	(9,753)	104,480	0	103,314
FY 2007	8	8	(9,753)	104,480	0	105,414
FY 2008	8	8	(9,753)	104,480	0	107,477
FY 2009	8	8	(9,753)	104,480	0	109,491
FY 2010	8	8	(9,753)	104,480	0	111,446
FY 2011	8	8	(9,753)	104,480	0	113,326
FY 2012	8	8	(9,753)	104,480	0	115,116
<b>Total Ten-Year Fiscal Impact:</b>						<b>1,014,257</b>

In summary, supervision by the DOC through incarceration or probation would result in additional costs. Although the exact fiscal impact is unknown, DOC estimates the potential cost excess of \$48,444 in FY 03, \$99,042 in FY 04, and \$101,187 in FY 05.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
<u>Costs – Department of Corrections Incarceration/Probation costs</u>	(\$48,444 to <u>Unknown</u> )	(\$99,042 to <u>Unknown</u> )	(\$101,187 to <u>Unknown</u> )
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b>(\$48,444 to <u>Unknown</u>)</b>	<b>(\$99,042 to <u>Unknown</u>)</b>	<b>(\$101,187 to <u>Unknown</u>)</b>

FISCAL IMPACT - Local Government

FY 2003  
(10 Mo.)

FY 2004

FY 2005

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

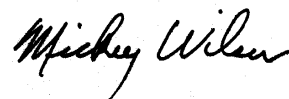
DESCRIPTION

The proposed legislation would amend the crime of resisting arrest to include fleeing a vehicle stop by continuing to operate a motor vehicle after the operator has seen or should have seen clearly visible emergency lights or heard or should have heard an audible signal emanating from the pursuing law enforcement vehicle.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. This legislation would not affect Total State Revenue.

SOURCES OF INFORMATION

Office of State Courts Administrator  
Office of Prosecution Services  
Office of State Public Defender  
Department of Corrections



Mickey Wilson, CPA  
Acting Director

February 13, 2002